

POLICY ON TELEPHONIC APPEARANCES

for hearings before the
HONORABLE ARTHUR B. BRISKMAN

LOCAL COUNSEL MUST APPEAR IN PERSON

Telephonic hearings are considered a privilege, not a right.

Telephonic hearings are granted at the discretion of the assigned Judge.

- I. Telephonic appearances are **not** permitted in the following matters before the Court:
 1. Preliminary Stay hearings;
 2. Evidentiary hearings that will require arguments, cross-examination;
 3. Chapter 13 cases.
- II. Those wishing to appear telephonically must file a written Motion/Request to Appear Telephonically two weeks prior to the scheduled hearing date. Requests will be considered on a case by case basis. If approved, the Courtroom Administrator will contact the party making the request.
- III. Approved telephonic appearance must be arranged by contacting CourtCall at (866) 582-6878 not later than **5:00 p.m. Eastern Time** one day prior to the hearing dates. CourtCall will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. CourtCall does not place the call to counsel. The initial charge per participant for a CourtCall appearance is \$30.00 for the first 45 minutes and then \$7.00 for each individual 15 minute increment. If you do not timely call and connect with the CourtCall operator, you will be billed for the call and the hearing will proceed in your absence.

Telephonic appearances via CourtCall are connected directly with the courtroom's public address system. To ensure quality of the record, the use of cellular phones, speakerphone, telephones in public places is prohibited. Participants should be able to hear all parties without difficulty or echo. Counsel should cover the telephone handset or use the mute option when not talking to minimize background noise that is broadcast over the speaker system in the courtroom. Failure to do so may result in the inability of the court reporter to fully and accurately transcribe the statements of counsel and the call may be terminated.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear the case before yours, just as if you were in the courtroom. After our call is connected to the

courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

- IV. Participation of counsel appearing by phone will be limited to a short statement or argument in support of or opposition to the relief requested. Counsel may not engage in extended argument or participate in the introduction of evidence or examination of witnesses if the court determines it is appropriate to receive evidence at the scheduled hearing.
- V. If there is an equipment failure for any reason, the court will continue with the hearing without the participation of counsel appearing telephonically. While the court will not "default" the party because of counsel's inability to participate due to an equipment failure, counsel assumes the risk of the prejudice that may result from not being present in person and able to advance the party's points in favor of or opposition to the relief requested.